UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/7
16 January 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement*/ submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE.*200'0''877*

ENG

On 28 September 2000 the Al Aqsa Intifada erupted, following the breakdown of the Camp David talks in July. Whereas the Palestinian people rose up in defence of their internationally recognised rights to self-determination and to a sovereign state, the Israeli army retaliated with an unprecedented use of violence. This violence was condemned by the UN Human Rights Commission at its 47th Special Meeting as "disproportionate and indiscriminate use of force". It is clear that at this moment, when new elections are called for in Israel, the peace process as initiated in Oslo is practically dead although there continues to be hope of a peace process. The defeat of international diplomacy is mainly caused by the failure to come to an agreement on major issues such as the Israeli settlements in the Occupied Territories and Gaza, the question of the refugees and the final status of Jerusalem. The latter having been the subject of the 2000 submission of Pax Christi International, we will now focus on the two other obstacles to peace.

1. Israeli Settlements

1.1. At independence Jews owned 5.9% of the land in Palestine. At the end of the Arab-Israeli War in 1948, Israel had seized control of 78% of the country. In the June War of 1967, Israel invaded and occupied the West Bank and Gaza. It gradually moved Israelis into settlements on seized land in violation with international humanitarian law and the peace agreements signed by the two parties. By September 1993, at the time of the Oslo Agreements, there were 32,750 family housing units in Israeli settlements on the West Bank and the Gaza Strip. Between 1993 and July 2000 – during the Oslo negotiations – construction was begun on 17,190 more housing units, 2,830 of these having been started during the Barak Administration. Since Oslo, three new settlements were officially established by Israel and between 1996 and 1999 the settlers themselves established over 42 unofficial settlements. In terms of population this means that by the end of 2000 there will be 199,000 settlers, an increase of 84,000 since the end of 1993. At the same time, Israeli settlements equally increased in annexed East Jerusalem, currently providing housing for an estimated 170,000 Israelis. It is clear that Israel at present has no intention to stop its settlement policy since the Barak Administration has allotted 300 million dollar on its 2001 budget for settlers.

1.2. The establishment and the maintenance of Israeli settlements in the Occupied Territories and in Gaza strikes at the very core of the protective provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Article 49 says that the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies. This clear violation of the rights of the Palestinian people is aggravated by some characteristics of the Israeli settlement policy:

- Israeli settlements are built in choice locations, depriving the Palestinian people of access to the better agricultural lands and to water sources. Gaza is a case in point where 20 Israeli settlements with a population of 6,000 control 42% of the best land, the remaining 58% of the land is under Israeli security control on which 1.2 million Palestinians live mostly in refugee camps. In January 1997, a bout 400 settlers were given 20% of Hebron
- Israel continues to confiscate lands, demolish houses and uproot olive trees to clear the land for the construction of bypass – and now also bypass-bypass – roads that link these settlements with each other and with Israel and are mainly aimed at security. Some main north-south and east-west roads effectively cut the Palestinian territories up into small parcels so that the term 'bantustans' is now being applied A future independent Palestinian State will, in these circumstances, consist of small pockets of land which are not even interconnected or roads that are under heavy security control thus making them difficult to be used by Palestinians, particularly those from the West Bank and Gaza. Palestine will thus remain largely dependent on Israel for its main needs. Last 4 December, Israel opened another new bypass-road in Gaza that was constructed to reassure the settlers.
- These settlements, especially in more remote areas, require extensive military protection and thus a continuous and ubiquitous Israeli military presence in the Palestinian Territories.

- Moreover, the settlers themselves have become more and more involved in acts of violence (because of so-called self-defence) against their Palestinian neighbours, thus becoming an even greater threat to the security of the Palestinians.
- Israeli settlements in Palestinian territories are not only a matter of economic interests or so-called national security for Israel. Many of them are also the embodiment of early zionist endeavours to occupy the land that they claim to belong to the Jewish people in accordance with their interpretation of biblical promises. Approximately half the settlers in the West Bank live in nine urban settlements, three of which are ultra-orthodox, three are secular, two are religious and one is of mixed makeup. There are indications that in the present situation non-religiously motivated Israelis move back to Israel, leaving behind the ultra-orthodox and orthodox settlers, thus creating further cause for religious strife.

1.3. The issue of the settlements has remained a stumbling block for peace in the Middle East. Various proposals have been made by Israel, invariably implying further annexation of Palestinian lands in order to safeguard the majority of the Israeli settlements. It is clear however that a lasting peace will be difficult to achieve unless Israel renounces its settlement policy very soon and starts the withdrawal of existing settlements, conforming to UN Security Council Resolution 242. The problem this poses in annexed East Jerusalem as well as in the West Bank settlements is even more complex since this is related to the final status question.

2. Refugees

The 1948 war that created Israel, also created some 750,000 Palestinians refugees. Approximately 100,000 Palestinians remained in Israel and subsequently were nationalised as Israeli citizens. Some 40,000 of these Palestinians were internally displaced from their land and homes and most were prevented from returning, even though they became Israeli citizens. Following the 1948 war most refugees have been unable to exercise their right of return, since Israel rejects the Palestinian right of return. In the 1967 war, some 350,000 Palestinians became refugees, many for the second time. Today there are around 5 million Palestinian refugees - about 70% of the total Palestinian population. They are scattered in 59 refugee camps in the West Bank, Gaza, Jordan, Syria, Lebanon and individually throughout the world. Two of the primary demands by refugees are return and compensation as provided for under UN General Assembly Resolution 194 of 1948. A first step in the solution of this refugee problem is the recognition by Israel that it was instrumental in creating the problem in the first place.

3. Pax Christi International has always been of the opinion that the peace process must be based on international law. In that respect, five principles of international law must be taken into account:

- First, recognition of the right to self-determination of the Palestinian people, as well as the recognition of Israel's right to secure recognised borders.
- Second, the right to protection against annexation of the occupied territory and from forced changes in the demographic composition of, amongst others, East Jerusalem, as laid down in the Fourth Geneva Convention and the Oslo Agreements.
- The third principle is laid down in UN Security Council Resolutions 242 and 338, which call upon Israel to withdraw its troops from the territories occupied in 1967.
- The fourth is the principle of respect for human rights by all parties. The protection of civil and political rights, as well as the economic, social and cultural rights of all residents, is an imperative to lasting peace.
- Fifth, the right - not the obligation - of Palestinian refugees to return as stipulated in United Nations General Assembly Resolution 194.